

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ROBERT JAMES WALCZAK

COMPLAINANT

v.

WEST KENTUCKY RURAL TELEPHONE
COOPERATIVE CORPORATION

DEFENDANT

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) CASE NO. 96-193
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O R D E R

IT IS ORDERED that West Kentucky Rural Telephone Cooperative Corporation ("West Kentucky RTCC") shall file the original and ten copies of the following information with the Commission no later than 10 days from the date of this Order.

1. On what date did West Kentucky RTCC establish its policy of applying business rates to residential lines that are dedicated to computer use? Did it file tariff changes to reflect this policy decision? If no, explain.

2. Clarify West Kentucky RTCC's statement that "[t]he policy was established at a time when home computer use was . . . generally thought to indicate business activity." By whom was it generally thought to indicate such activity?

3. What is the basis for the creation of an internal policy that expands the application of business rates to residential lines that are dedicated to computer use?

What regulatory authority allowed West Kentucky RTCC to charge rates that differ from those in its filed tariff?

4. Provide the names and addresses of residential customers who have been charged business rates for second lines that are dedicated to computer use or which are used for both personal use and computer access.

5. Provide a copy of West Kentucky RTCC's old and new policy regarding residential lines that are dedicated to computer use. Reconcile these policies to the current tariff.

6. Respond to each allegation in the June 19, 1996 letter from Price K. Laird, which is attached hereto and incorporated herein as Appendix A.

Done at Frankfort, Kentucky, this 30th day of July, 1996.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

APPENDIX A

AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION
IN CASE NO. 96-193 DATED JULY 30, 1996.

PRICE K. LAIRD

2036 University Station • Murray, KY. 42071 • (502)753-2022

RECEIVED

JUN 21 1996

PUBLIC SERVICE
COMMISSION

June 19, 1996

96-193

Mr. Don Mills
Executive Director
Public Service Commission
Frankfort, KY. 40602

Dear Mr. Mills:

A friend and I share an apartment and workshop in Lynn Grove, Kentucky, for which phone service is supplied by the West Kentucky Rural Telephone Cooperative Corporation, Incorporated of Mayfield, Kentucky. I currently pay for three different phone lines (two in the apartment, and one in the shop building, which is on a different piece of property). I have some questions concerning the legality of certain practices employed by this carrier.

When I initially requested a line for the shop building, on July 21, 1995, I was grilled about whether I was operating a business to the point of having to describe in detail that we used the building for repairing our own vehicles, etc. When I subsequently requested a single line for the apartment, on July 26, 1995, I was questioned extensively about who would occupy the apartment the greatest amount of time, and was pressured to have it put in my friend's name, since the lease was in his name. It took obstinacy on my part and insistence that it was to be my phone, not his, before they finally agreed to install the line.

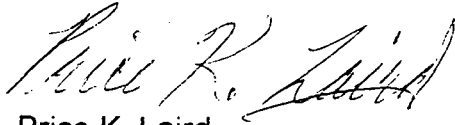
Approximately eight (8) months later, in early March 1996, I requested information about securing another line for the apartment for access to the mainframe computer at Murray State University as a student. I was immediately informed that my status as a student made no difference. If I were ordering the line for computer use, I would have to pay the business rate.

On March 29, 1996, I contacted the phone company again, and told them I had decided to install another line for personal use. I was asked if the line was for my children, and I indicated that I simply wanted another personal line, and I wanted the number unlisted. After being put on hold for several minutes, the phone company representative told me that since the service location was an apartment, and I already had two other lines in Lynn Grove, albeit in two different locations, they simply did not

believe that I was not operating a business, and I would have to pay the business rate in order to get another line. I finally told them to go ahead and install the line, and decided that if I was paying the business rate, I would use it for a computer line as well as my own personal line.

I write to you at the request of Mr. Jim Johnson, to whom I spoke over the phone. During our conversation he indicated that there was another case of this nature pending, and seemed to think that my additional input might be beneficial.

Sincerely,

A handwritten signature in cursive script, reading "Price K. Laird". The signature is fluid and stylized, with the first name "Price" and last name "Laird" clearly legible.

Price K. Laird

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LEXINGTON MSA)	
LIMITED PARTNERSHIP FOR)	
ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT AN)	
ADDITIONAL CELL SITE IN)	CASE NO. 96-184
LEXINGTON, KENTUCKY FOR THE)	
PROVISION OF DOMESTIC PUBLIC)	
CELLULAR RADIO TELECOMMUNI-)	
CATIONS SERVICE TO THE PUBLIC IN)	
THE LEXINGTON MSA)	

O R D E R

On May 2, 1996, Lexington MSA Limited Partnership ("LMSALP") filed an application for a certificate of public convenience and necessity to construct a cellular facility on Gold Rush Road in Lexington, Fayette County, Kentucky. On May 16, 1996, the Commission granted intervention to William R. Miller, an owner of property located near the proposed site. On June 10, 1996, the Commission granted intervention to the Lexington-Fayette Urban County Government ("Lexington-Fayette"). To date, neither intervenor has filed further documents or motions.

It remains for the Commission to determine whether either intervenor wishes to pursue this matter to a hearing. Consequently, each intervenor should be put on notice that a hearing on the proposed cellular facility is scheduled for August 29, 1996, at 10 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky. Any intervenor who wishes to appear at the hearing in opposition to the proposed facility should, within 10 days of the date of this Order, so notify the Commission. If no statements of intent to appear at the hearing and

to present evidence against the proposed facility are received by the Commission, the hearing will be cancelled and this matter submitted to the Commission for a decision based on the record.

The Commission being sufficiently advised, IT IS THEREFORE ORDERED that:

1. A hearing on the proposed cell site is scheduled for August 29, 1996, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

2. Lexington MSA Limited Partnership shall appear at the hearing and be prepared to present testimony on the engineering design, location, and construction of the proposed cell site, and all other issues raised by the intervenors.

3. Any interested person shall have the opportunity to present testimony or comment on any aspect of the proposed cell site.


4. Any party who wishes to appear at the hearing in opposition to the proposed cell site shall file a statement to that effect within 10 days of the date of this Order.

5. If the Commission does not receive, within 10 days of the date of this Order, any statements expressing a party's intent to appear in opposition to the proposed cell site, the hearing shall be cancelled and the matter shall be submitted to the Commission for a decision on the record.

Done at Frankfort, Kentucky, this 30th day of July, 1996.

PUBLIC SERVICE COMMISSION

ATTEST:


Executive Director


For the Commission